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# Request for Continued Examination (RCE) Transmittal

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	09/714,072
Filing Date	November 16, 2000
First Named Inventor	Michael J. Rieschl et al.
Art Unit	2611
Examiner Name	N. Vu
Attorney Docket Number	33012/295/101

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**  
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

- Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
  - ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
    - ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
    - ☐ Other \_\_\_\_\_
  - ☒ Enclosed
    - ☒ Amendment/Reply
    - ☐ Affidavit(s)/ Declaration(s)
    - ☐ Information Disclosure Statement (IDS)
    - ☐ Other \_\_\_\_\_
- Miscellaneous**
  - ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
  - ☐ Other \_\_\_\_\_
- Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed. The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to
  - ☒ Deposit Account No. 14-0620 I have enclosed a duplicate copy of this sheet.
 

i. <input type="checkbox"/> RCE fee required under 37 CFR 1.17(e)	05/13/2005 AWONDAF1 00000099 09714072	
ii. <input type="checkbox"/> Extension of time fee (37 CFR 1.136 and 1.17)	01 FC:1801	790.00 OP
	02 FC:1202	250.00 OP
iii. <input type="checkbox"/> Other _____	03 FC:1201	400.00 OP
  - ☒ Check in the amount of \$ 1,650.00 enclosed
  - ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature		Date	May 10, 2005
Name (Print/Type)	Wayne A. Sivertson	Registration No.	25,645

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature		Date	May 10, 2005
Name (Print/Type)	Carolyn I. Erickson		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Rec  
2611  
TJW

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

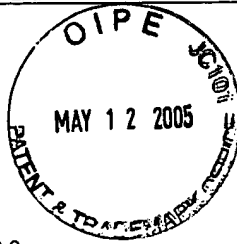
Michael J. Rieschl et al.

Serial No.: 09/714,072

Filing Date: November 16, 2000

For: VIDEO-ON-DEMAND SERVER DISK/MEMORY STREAMING SELECTION METHODOLOGY

Docket No.: 33012/295/101



Examiner: N. Vu

Group Art Unit: 2611

**REQUEST FOR CONTINUED EXAMINATION (RCE)  
(37 C.F.R. 1.114)**

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

1. Applicant hereby requests continued examination, in accordance with 37 C.F.R. § 1.114, for the above identified application.

**CERTIFICATION UNDER 37 C.F.R. §§ 1.8**

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

- ☒ I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents P.O. Box 1450, Alexandria, Virginia 22313-1450, on this 10<sup>th</sup> day of

May, 2005

~~05/13/2005-AWONDAF1-00000099-09714072~~

01-FC:1801  
02-FC:1202  
03-FC:1201

790.00-OP  
250.00-OP  
400.00-OP

\_\_\_\_\_  
Carolyn I. Erickson

**TIME REQUEST IS BEING MADE**

2. This request is being submitted (check appropriate item(s) below):

- i. ☒ Prior to abandonment of the application

Repln. Ref: 05/13/2005 AWONDAF1 0021254800  
DAH:140620 Name/Number:09714072  
FC: 9204 \$210.00 CR

- ii. ☐ Payment of the issue fee  
☐ Prior to payment of issue fee  
☐ Issue fee has been paid but a petition under § 1.313 has been granted
- iii. ☐ Prior to a decision on appeal to the Board of Patent Appeals & Interferences  
☐ A notice is being separately sent to the Board of Patent Appeals & Interferences that this request for Continued Examination is being filed.
- iv. ☐ Appeal to the U.S. Court of Appeals of the Federal Circuit under 35 U.S.C. 145 or  
☐ Commencement of a civil action under 35 U.S.C. 146  
☐ Prior to the filing of such appeal or commencement of civil action  
☐ Such appeal or commencement of civil action has been terminated

#### **ENCLOSURES**

3. Enclosed herewith is/are:

- ☐ An information disclosure (37 C.F.R. § 1.98)  
☐ Form PTO-1449 (PTO/SB/08A and 08B)
- ☒ A Preliminary Amendment
- ☐ New arguments
- ☐ New evidence in support of patentability
- ☐ Other:

#### **FEE FOR REQUEST (37 C.F.R. § 1.17(e))**

4. This application is on behalf of:

- ☐ Small entity (and status is still as small entity)  
\$500.00
- ☒ Other than a small entity  
\$1,000.00

5. The fee for claims (37 C.F.R. § 1.16(b)-(d)) has been calculated as shown below:

CLAIMS AS FILED						
	(1)	(2)	SMALL ENTITY		OTHER	
FOR:	# FILED	# EXTRA	Rate	Fee	Rate	Fee
FILING FEE				\$150		\$300
TOTAL CLAIMS	25-20 =		x25=	\$	x50=	\$250
INDEPENDENT CLAIMS	5 -3 =		x100=	\$	x200=	\$400
SEARCH FEE				\$250		\$500
EXAM FEE				\$100		\$200
( ) MULTIPLE DEPENDENT CLAIM PRESENTED			+180=	\$	+360=	\$ 0
TOTAL			\$		\$1,650.00	

(complete (c) or (d), as applicable)

(c) ☐ No additional fee is required.

OR

(d) ☒ Total additional fee required is \$ 650.00.

#### EXTENSION OF TIME

6. The proceedings herein are for a patent application, and the provisions of 37 C.F.R. § 1.136(a) apply.

(a) ☐ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a)(1)-(4), for the total number of months checked below:

Extension for (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/> one month	\$120.00	\$60.00
<input type="checkbox"/> two months	\$450.00	\$225.00
<input type="checkbox"/> three months	\$1,020.00	\$510.00
<input type="checkbox"/> four months	\$1,590.00	\$795.00

Fee: \$ \_\_\_\_\_

If an additional extension of time is required, please consider this petition therefor.

(check and complete the next item, if applicable)

- ☐ An extension for \_\_\_\_ months has already been secured, and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$\_\_\_\_\_

OR

- (b) ☒ Applicant(s) believe(s) that no extension of time is required. However, this is a conditional petition and authorization to pay the necessary fees to provide for the possibility that Applicant(s) has/have inadvertently overlooked the need for a petition and fee for extension of time.

**TOTAL FEE(S) DUE**

7. The total fee(s) due is/are:

Continued Prosecution Fee (§ 1.17(e))	\$ <u>1,000.00</u>
Fee(s) for additional claims (if any) (§ 1.16(b)-(d))	\$ <u>650.00</u>
Extension of time fee (if any) (§ 1.17(a)(1)-(4))	\$ <u>0.00</u>

Total Fee(s) Due \$ 1,650.00

**PAYMENT OF FEE(S) DUE**

8. Please pay the fee(s) for this continued examination application as follows:

- ☒ Check is attached for the sum of \$ 1,650.00
- ☐ Charge Account 14-0620 the sum of \$ \_\_\_\_\_
- ☒ Please charge any deficiencies or credit any over payment to Deposit Account 14-0620.

**INVENTORSHIP**

9. This application as amended names as inventors:

- ☒ the same inventors as previously designated for the claims.
- ☐ fewer than the inventors previously designated and a statement accompanies this request for the deletion of

- the name or names of the person or persons who are not inventors of the invention now being claimed.
- ☐ a person not named previously as an inventor and a petition under 37 C.F.R. § 1.48 is/has separately:
- ☐ being filed
  - ☐ been filed

**DEFERRAL OF EXAMINATION**

10. ☐ A request for deferral of examination accompanies this request for continued examination.

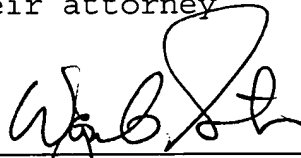
Respectfully submitted,

Michael J. Rieschl et al.

By their attorney

Date

May 10, 2005



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